

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2818

Introduced by Assembly Member Furutani Jones

February 22, 2008

~~An act to amend Section 3011 of the Elections Code, relating to elections.— An act to repeal and amend Section 65863.10 of the Government Code, and to amend Section 34315.7 of the Health and Safety Code, relating to housing.~~

LEGISLATIVE COUNSEL’S DIGEST

AB 2818, as amended, ~~Furutani Jones. Vote by mail—Housing.~~

(1) Existing law, until January 1, 2011, requires, prior to the anticipated date of the termination of a subsidy contract, expiration of rental restrictions, or prepayment on an assisted housing development, as defined, that the owner proposing the termination, as defined, or prepayment of governmental assistance or the owner of an assisted housing development, as defined, in which there will be the expiration of rental restrictions provide a notice of the proposed change to each affected tenant household residing in the assisted housing development and to the affected public entities. Those defined terms are limited to certain federal subsidy programs.

This bill would expand the definition of “assisted housing development” for these purposes to include conventional public housing under a specified provision of federal law.

(2) The Housing Authorities Law requires the disposal of real property owned by a housing authority to be for certain purposes and in a specified order of priority.

This bill would prohibit a housing authority from disposing of housing units affordable to low- and moderate-income households, as defined, unless certain conditions are met.

(2) The Housing Authorities Law requires the disposal of real property owned by a housing authority to be for certain purposes and in a specified order of priority.

This bill would prohibit a housing authority from disposing of housing units affordable to low- and moderate-income households, as defined, unless certain conditions are met.

Existing law establishes the procedures by which a voter is permitted to cast his or her ballot by mail. These provisions require the elections official to deliver to each qualified vote by mail voter a ballot for his or her precinct and a return envelope.

~~This bill would make nonsubstantive changes to the provision regarding that envelope.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65863.10 of the Government Code, as
2 amended by Section 1 of Chapter 255 of the Statutes of 2003, is
3 repealed.

4 ~~65863.10. (a) As used in this section, the following terms have~~
5 ~~the following meaning:~~

6 ~~(1) "Affected public entities" means the mayor of the city in~~
7 ~~which the assisted housing development is located, or, if located~~
8 ~~in an unincorporated area, the chair of the board of supervisors of~~
9 ~~the county; the appropriate local public housing authority, if any;~~
10 ~~and the Department of Housing and Community Development.~~

11 ~~(2) "Affected tenant" means a tenant household residing in an~~
12 ~~assisted housing development, as defined in paragraph (3), at the~~
13 ~~time notice is required to be provided pursuant to this section, that~~
14 ~~benefits from the government assistance.~~

15 ~~(3) "Assisted housing development" means a multifamily rental~~
16 ~~housing development that receives governmental assistance under~~
17 ~~any of the following federal programs:~~

18 ~~(A) New construction, substantial rehabilitation, moderate~~
19 ~~rehabilitation, property disposition, and loan management set-aside~~
20 ~~programs, or any other program providing project-based assistance,~~

1 under Section 8 of the United States Housing Act of 1937, as
2 amended (42 U.S.C. Sec. 1437f):

3 (B) The following federal programs:

4 (i) The Below-Market-Interest-Rate Program under Section
5 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3)
6 and (5)):

7 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
8 1715z-1):

9 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
10 1701q):

11 (C) Programs for rent supplement assistance under Section 101
12 of the Housing and Urban Development Act of 1965, as amended
13 (12 U.S.C. Sec. 1701s):

14 (D) Programs under Section 515 of the Housing Act of 1949,
15 as amended (42 U.S.C. Sec. 1485):

16 (E) Section 42 of the Internal Revenue Code.

17 (4) “City” means a general law city, a charter city, or a city and
18 county.

19 (5) “Expiration of rental restrictions” means the expiration of
20 rental restrictions for an assisted housing development described
21 in subparagraph (E) of paragraph (3) unless the development has
22 other recorded agreements restricting the rent to the same or lesser
23 levels for at least 50 percent of the units.

24 (6) “Prepayment” means the payment in full or refinancing of
25 the federally insured or federally held mortgage indebtedness prior
26 to its original maturity date, or the voluntary cancellation of
27 mortgage insurance, on an assisted housing development described
28 in subparagraph (B) of paragraph (3) that would have the effect
29 of removing the current low-income affordability restrictions
30 contained in the applicable laws and the regulatory agreement.

31 (7) “Termination” means an owner’s decision not to extend or
32 renew its participation in a federal subsidy program for an assisted
33 housing development described in subparagraph (A) of paragraph
34 (3), either at or prior to the scheduled date of the expiration of the
35 contract, that may result in an increase in tenant rents or a change
36 in the form of the subsidy from project-based to tenant-based.

37 (b) (1) At least 12 months prior to the anticipated date of the
38 termination of a subsidy contract, expiration of rental restrictions,
39 or prepayment on an assisted housing development, the owner
40 proposing the termination or prepayment of governmental

1 assistance or the owner of an assisted housing development in
2 which there will be the expiration of rental restrictions shall provide
3 a notice of the proposed change to each affected tenant household
4 residing in the assisted housing development at the time the notice
5 is provided and to the affected public entities. An owner who meets
6 the requirements of Section 65863.13 shall be exempt from
7 providing that notice. The notice shall contain all of the following:

8 (A) In the event of termination, a statement that the owner
9 intends to terminate the subsidy contract or rental restrictions upon
10 its expiration date, or the expiration date of any contract extension
11 thereto.

12 (B) In the event of the expiration of rental restrictions, a
13 statement that the restrictions will expire and whether the owner
14 intends to increase rents greater than permitted under Section 42
15 of the Internal Revenue Code.

16 (C) In the event of prepayment, a statement that the owner
17 intends to pay in full or refinance the federally insured or federally
18 held mortgage indebtedness prior to its original maturity date, or
19 voluntarily cancel the mortgage insurance.

20 (D) The anticipated date of the termination, prepayment of the
21 federal program or expiration of rental restrictions, and the identity
22 of the federal program described in subdivision (a).

23 (E) A statement that the proposed change would have the effect
24 of removing the current low-income affordability restrictions in
25 the applicable contract or regulatory agreement.

26 (F) A statement of the possibility that the housing may remain
27 in the federal program after the proposed date of termination of
28 the subsidy contract or prepayment if the owner elects to do so
29 under the terms of the federal government's offer.

30 (G) A statement that other governmental assistance may be
31 provided to tenants residing in the development at the time of the
32 termination of the subsidy contract or prepayment.

33 (H) A statement that a subsequent notice of the proposed change,
34 including anticipated changes in rents, if any, for the development,
35 will be provided at least six months prior to the anticipated date
36 of termination of the subsidy contract, or expiration of rental
37 restrictions, or prepayment.

38 (I) A statement of notice of opportunity to submit an offer to
39 purchase, as required in Section 65863.11.

1 ~~(2) Notwithstanding paragraph (1), if an owner provides a copy~~
2 ~~of a federally required notice of termination of a subsidy contract~~
3 ~~or prepayment at least 12 months prior to the proposed change to~~
4 ~~each affected tenant household residing in the assisted housing~~
5 ~~development at the time the notice is provided and to the affected~~
6 ~~public entities, the owner shall be deemed in compliance with this~~
7 ~~subdivision, if the notice is in compliance with all federal laws.~~
8 ~~However, the federally required notice does not satisfy the~~
9 ~~requirements of Section 65863.11.~~

10 ~~(e) (1) At least six months prior to the anticipated date of~~
11 ~~termination of a subsidy contract, expiration of rental restrictions~~
12 ~~or prepayment on an assisted housing development, the owner~~
13 ~~proposing the termination or prepayment of governmental~~
14 ~~assistance or the owner of an assisted housing development in~~
15 ~~which there will be the expiration of rental restrictions under~~
16 ~~Section 42 of the Internal Revenue Code shall provide a notice of~~
17 ~~the proposed change to each affected tenant household residing in~~
18 ~~the assisted housing development at the time the notice is provided~~
19 ~~and to the affected public entities. An owner who meets the~~
20 ~~requirements of Section 65863.13 shall be exempt from providing~~
21 ~~that notice.~~

22 ~~(2) The notice to the tenants shall contain all of the following:~~

23 ~~(A) The anticipated date of the termination or prepayment of~~
24 ~~the federal program, or expiration of rental restrictions, and the~~
25 ~~identity of the federal program, as described in subdivision (a).~~

26 ~~(B) The current rent and anticipated new rent for the unit on the~~
27 ~~date of the prepayment or termination of the federal program, or~~
28 ~~expiration of rental restrictions.~~

29 ~~(C) A statement that a copy of the notice will be sent to the city~~
30 ~~, county, or city and county, where the assisted housing~~
31 ~~development is located, to the appropriate local public housing~~
32 ~~authority, if any, and to the Department of Housing and Community~~
33 ~~Development.~~

34 ~~(D) A statement of the possibility that the housing may remain~~
35 ~~in the federal program after the proposed date of subsidy~~
36 ~~termination or prepayment if the owner elects to do so under the~~
37 ~~terms of the federal government's offer or that a rent increase may~~
38 ~~not take place due to the expiration of rental restrictions.~~

1 ~~(E) A statement of the owner's intention to participate in any~~
2 ~~current replacement federal subsidy program made available to~~
3 ~~the affected tenants.~~

4 ~~(F) The name and telephone number of the city, county, or city~~
5 ~~and county, the appropriate local public housing authority, if any,~~
6 ~~the Department of Housing and Community Development, and a~~
7 ~~legal services organization, that can be contacted to request~~
8 ~~additional written information about an owner's responsibilities~~
9 ~~and the rights and options of an affected tenant.~~

10 ~~(3) In addition to the information provided in the notice to the~~
11 ~~affected tenant, the notice to the affected public entities shall~~
12 ~~contain information regarding the number of affected tenants in~~
13 ~~the project, the number of units that are government assisted and~~
14 ~~the type of assistance, the number of the units that are not~~
15 ~~government assisted, the number of bedrooms in each unit that is~~
16 ~~government assisted, and the ages and income of the affected~~
17 ~~tenants. The notice shall briefly describe the owner's plans for the~~
18 ~~project, including any timetables or deadlines for actions to be~~
19 ~~taken and specific governmental approvals that are required to be~~
20 ~~obtained, the reason the owner seeks to terminate the subsidy~~
21 ~~contract or prepay the mortgage, and any contacts the owner has~~
22 ~~made or is making with other governmental agencies or other~~
23 ~~interested parties in connection with the notice. The owner shall~~
24 ~~also attach a copy of any federally required notice of the~~
25 ~~termination of the subsidy contract or prepayment that was~~
26 ~~provided at least six months prior to the proposed change. The~~
27 ~~information contained in the notice shall be based on data that is~~
28 ~~reasonably available from existing written tenant and project~~
29 ~~records.~~

30 ~~(d) The owner proposing the termination or prepayment of~~
31 ~~governmental assistance or the owner of an assisted housing~~
32 ~~development in which there will be the expiration of rental~~
33 ~~restrictions under Section 42 of the Internal Revenue Code shall~~
34 ~~provide additional notice of any significant changes to the notice~~
35 ~~required by subdivision (c) within seven business days to each~~
36 ~~affected tenant household residing in the assisted housing~~
37 ~~development at the time the notice is provided and to the affected~~
38 ~~public entities. "Significant changes" shall include, but not be~~
39 ~~limited to, any changes to the date of termination or prepayment,~~
40 ~~or expiration of rental restrictions or the anticipated new rent.~~

1 ~~(e) An owner who is subject to the requirements of this section~~
2 ~~shall also provide a copy of any notices issued to existing tenants~~
3 ~~pursuant to subdivision (b), (c), or (d) to any prospective tenant at~~
4 ~~the time he or she is interviewed for eligibility.~~

5 ~~(f) This section shall not require the owner to obtain or acquire~~
6 ~~additional information that is not contained in the existing tenant~~
7 ~~and project records, or to update any information in his or her~~
8 ~~records. The owner shall not be held liable for any inaccuracies~~
9 ~~contained in these records or from other sources, nor shall the~~
10 ~~owner be liable to any party for providing this information.~~

11 ~~(g) For purposes of this section, service of the notice to the~~
12 ~~affected tenants, the city, county, or city and county, the appropriate~~
13 ~~local public housing authority, if any, and the Department of~~
14 ~~Housing and Community Development by the owner pursuant to~~
15 ~~subdivisions (b) to (e), inclusive, shall be made by first-class mail~~
16 ~~postage prepaid.~~

17 ~~(h) Nothing in this section shall enlarge or diminish the~~
18 ~~authority, if any, that a city, county, city and county, affected~~
19 ~~tenant, or owner may have, independent of this section.~~

20 ~~(i) If, prior to January 1, 2001, the owner has already accepted~~
21 ~~a bona fide offer from a qualified entity, as defined in subdivision~~
22 ~~(e) of Section 65863.11, and has complied with this section as it~~
23 ~~existed prior to January 1, 2001, at the time the owner decides to~~
24 ~~sell or otherwise dispose of the development, the owner shall be~~
25 ~~deemed in compliance with this section.~~

26 ~~(j) Injunctive relief shall be available to any party identified in~~
27 ~~paragraph (1) or (2) of subdivision (a) who is aggrieved by a~~
28 ~~violation of this section.~~

29 ~~(k) The Director of Housing and Community Development shall~~
30 ~~approve forms to be used by owners to comply with subdivisions~~
31 ~~(b) and (c). Once the director has approved the forms, an owner~~
32 ~~shall use the approved forms to comply with subdivisions (b) and~~
33 ~~(c).~~

34 ~~(l) This section shall remain in effect only until January 1, 2011,~~
35 ~~and as of that date is repealed, unless a later enacted statute, which~~
36 ~~is enacted on or before January 1, 2011, deletes or extends that~~
37 ~~date.~~

38 ~~SEC. 2. Section 65863.10 of the Government Code, as amended~~
39 ~~by Section 1 of Chapter 110 of the Statutes of 2004, is amended~~
40 ~~to read:~~

1 65863.10. (a) As used in this section, the following terms have
2 the following meaning:

3 (1) “Affected public entities” means the mayor of the city in
4 which the assisted housing development is located, or, if located
5 in an unincorporated area, the chair of the board of supervisors of
6 the county; the appropriate local public housing authority, if any;
7 and the Department of Housing and Community Development.

8 (2) “Affected tenant” means a tenant household residing in an
9 assisted housing development, as defined in paragraph (3), at the
10 time notice is required to be provided pursuant to this section, that
11 benefits from the government assistance.

12 (3) “Assisted housing development” means a multifamily rental
13 housing development that receives governmental assistance under
14 any of the following programs:

15 (A) New construction, substantial rehabilitation, moderate
16 rehabilitation, property disposition, and loan management set-aside
17 programs, or any other program providing project-based assistance,
18 under Section 8 of the United States Housing Act of 1937, as
19 amended (42 U.S.C. Sec. 1437f).

20 (B) *Conventional public housing under the United States*
21 *Housing Act of 1937 (42 U.S.C. Sec. 1437 et seq.).*

22 ~~(B)~~

23 (C) The following federal programs:

24 (i) The Below-Market-Interest-Rate Program under Section
25 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3)
26 and (5)).

27 (ii) Section 236 of the National Housing Act (12 U.S.C. Sec.
28 1715z-1).

29 (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec.
30 1701q).

31 ~~(C)~~

32 (D) Programs for rent supplement assistance under Section 101
33 of the Housing and Urban Development Act of 1965, as amended
34 (12 U.S.C. Sec. 1701s).

35 ~~(D)~~

36 (E) Programs under Sections 514, 515, 516, 533, and 538 of the
37 Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).

38 ~~(E)~~

39 (F) Section 42 of the Internal Revenue Code.

40 ~~(F)~~

1 (G) Section 142(d) of the Internal Revenue Code (tax-exempt
2 private activity mortgage revenue bonds).

3 ~~(G)~~

4 (H) Section 147 of the Internal Revenue Code (Section 501(c)(3)
5 bonds).

6 ~~(H)~~

7 (I) Title I of the Housing and Community Development Act of
8 1974, as amended (Community Development Block Grant
9 program).

10 ~~(I)~~

11 (J) Title II of the Cranston-Gonzales National Affordable
12 Housing Act of 1990, as amended (HOME Investment Partnership
13 Program).

14 ~~(J)~~

15 (K) Titles IV and V of the McKinney-Vento Homeless
16 Assistance Act of 1987, as amended, including the Department of
17 Housing and Urban Development's Supportive Housing Program,
18 Shelter Plus Care program, and surplus federal property disposition
19 program.

20 ~~(K)~~

21 (L) Grants and loans made by the Department of Housing and
22 Community Development, including the Rental Housing
23 Construction Program, CHRP-R, and other rental housing finance
24 programs.

25 ~~(L)~~

26 (M) Chapter 1138 of the Statutes of 1987.

27 ~~(M)~~

28 (N) The following assistance provided by counties or cities in
29 exchange for restrictions on the maximum rents that may be
30 charged for units within a multifamily rental housing development
31 and on the maximum tenant income as a condition of eligibility
32 for occupancy of the unit subject to the rent restriction, as reflected
33 by a recorded agreement with a county or city:

34 (i) Loans or grants provided using tax increment financing
35 pursuant to the Community Redevelopment Law (Part 1
36 commencing with Section 33000) of Division 24 of the Health
37 and Safety Code).

38 (ii) Local housing trust funds, as referred to in paragraph (3) of
39 subdivision (a) of Section 50843 of the Health and Safety Code.

1 (iii) The sale or lease of public property at or below market
2 rates.

3 (iv) The granting of density bonuses, or concessions or
4 incentives, including fee waivers, parking variances, or
5 amendments to general plans, zoning, or redevelopment project
6 area plans, pursuant to Chapter 4.3 (commencing with Section
7 65915).

8 Assistance pursuant to this subparagraph shall not include the
9 use of tenant-based Housing Choice Vouchers (Section 8(o) of the
10 United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o),
11 excluding subparagraph (13) relating to project-based assistance).
12 Restrictions shall not include any rent control or rent stabilization
13 ordinance imposed by a county, city, or city and county.

14 (4) “City” means a general law city, a charter city, or a city and
15 county.

16 (5) “Expiration of rental restrictions” means the expiration of
17 rental restrictions for an assisted housing development described
18 in paragraph (3) unless the development has other recorded
19 agreements restricting the rent to the same or lesser levels for at
20 least 50 percent of the units.

21 (6) “Low or moderate income” means having an income as
22 defined in Section 50093 of the Health and Safety Code.

23 (7) “Prepayment” means the payment in full or refinancing of
24 the federally insured or federally held mortgage indebtedness prior
25 to its original maturity date, or the voluntary cancellation of
26 mortgage insurance, on an assisted housing development described
27 in paragraph (3) that would have the effect of removing the current
28 rent or occupancy or rent and occupancy restrictions contained in
29 the applicable laws and the regulatory agreement.

30 (8) “Termination” means an owner’s decision not to extend or
31 renew its participation in a federal, state, or local government
32 subsidy program or private, nongovernmental subsidy program
33 for an assisted housing development described in paragraph (3),
34 either at or prior to the scheduled date of the expiration of the
35 contract, that may result in an increase in tenant rents or a change
36 in the form of the subsidy from project-based to tenant-based.

37 (9) “Very low income” means having an income as defined in
38 Section 50052.5 of the Health and Safety Code.

39 (b) (1) At least 12 months prior to the anticipated date of the
40 termination of a subsidy contract, the expiration of rental

1 restrictions, or prepayment on an assisted housing development,
2 the owner proposing the termination or prepayment of
3 governmental assistance or the owner of an assisted housing
4 development in which there will be the expiration of rental
5 restrictions shall provide a notice of the proposed change to each
6 affected tenant household residing in the assisted housing
7 development at the time the notice is provided and to the affected
8 public entities. An owner who meets the requirements of Section
9 65863.13 shall be exempt from providing that notice. The notice
10 shall contain all of the following:

11 (A) In the event of termination, a statement that the owner
12 intends to terminate the subsidy contract or rental restrictions upon
13 its expiration date, or the expiration date of any contract extension
14 thereto.

15 (B) In the event of the expiration of rental restrictions, a
16 statement that the restrictions will expire, and in the event of
17 prepayment, termination, or the expiration of rental restrictions
18 whether the owner intends to increase rents during the 12 months
19 following prepayment, termination, or the expiration of rental
20 restrictions to a level greater than permitted under Section 42 of
21 the Internal Revenue Code.

22 (C) In the event of prepayment, a statement that the owner
23 intends to pay in full or refinance the federally insured or federally
24 held mortgage indebtedness prior to its original maturity date, or
25 voluntarily cancel the mortgage insurance.

26 (D) The anticipated date of the termination, prepayment of the
27 federal or other program or expiration of rental restrictions, and
28 the identity of the federal or other program described in subdivision
29 (a).

30 (E) A statement that the proposed change would have the effect
31 of removing the current low-income affordability restrictions in
32 the applicable contract or regulatory agreement.

33 (F) A statement of the possibility that the housing may remain
34 in the federal or other program after the proposed date of
35 termination of the subsidy contract or prepayment if the owner
36 elects to do so under the terms of the federal government's or other
37 program operator's offer.

38 (G) A statement whether other governmental assistance will be
39 provided to tenants residing in the development at the time of the
40 termination of the subsidy contract or prepayment.

1 (H) A statement that a subsequent notice of the proposed change,
2 including anticipated changes in rents, if any, for the development,
3 will be provided at least six months prior to the anticipated date
4 of termination of the subsidy contract, or expiration of rental
5 restrictions, or prepayment.

6 (I) A statement of notice of opportunity to submit an offer to
7 purchase, as required in Section 65863.11.

8 (2) Notwithstanding paragraph (1), if an owner provides a copy
9 of a federally required notice of termination of a subsidy contract
10 or prepayment at least 12 months prior to the proposed change to
11 each affected tenant household residing in the assisted housing
12 development at the time the notice is provided and to the affected
13 public entities, the owner shall be deemed in compliance with this
14 subdivision, if the notice is in compliance with all federal laws.
15 However, the federally required notice does not satisfy the
16 requirements of Section 65863.11.

17 (c) (1) At least six months prior to the anticipated date of
18 termination of a subsidy contract, expiration of rental restrictions
19 or prepayment on an assisted housing development, the owner
20 proposing the termination or prepayment of governmental
21 assistance or the owner of an assisted housing development in
22 which there will be the expiration of rental restrictions shall provide
23 a notice of the proposed change to each affected tenant household
24 residing in the assisted housing development at the time the notice
25 is provided and to the affected public entities. An owner who meets
26 the requirements of Section 65863.13 shall be exempt from
27 providing that notice.

28 (2) The notice to the tenants shall contain all of the following:

29 (A) The anticipated date of the termination or prepayment of
30 the federal or other program, or the expiration of rental restrictions,
31 and the identity of the federal or other program, as described in
32 subdivision (a).

33 (B) The current rent and rent anticipated for the unit during the
34 12 months immediately following the date of the prepayment or
35 termination of the federal or other program, or expiration of rental
36 restrictions.

37 (C) A statement that a copy of the notice will be sent to the city,
38 county, or city and county, where the assisted housing development
39 is located, to the appropriate local public housing authority, if any,
40 and to the Department of Housing and Community Development.

1 (D) A statement of the possibility that the housing may remain
2 in the federal or other program after the proposed date of subsidy
3 termination or prepayment if the owner elects to do so under the
4 terms of the federal government's or other program administrator's
5 offer or that a rent increase may not take place due to the expiration
6 of rental restrictions.

7 (E) A statement of the owner's intention to participate in any
8 current replacement subsidy program made available to the affected
9 tenants.

10 (F) The name and telephone number of the city, county, or city
11 and county, the appropriate local public housing authority, if any,
12 the Department of Housing and Community Development, and a
13 legal services organization, that can be contacted to request
14 additional written information about an owner's responsibilities
15 and the rights and options of an affected tenant.

16 (3) In addition to the information provided in the notice to the
17 affected tenant, the notice to the affected public entities shall
18 contain information regarding the number of affected tenants in
19 the project, the number of units that are government assisted and
20 the type of assistance, the number of the units that are not
21 government assisted, the number of bedrooms in each unit that is
22 government assisted, and the ages and income of the affected
23 tenants. The notice shall briefly describe the owner's plans for the
24 project, including any timetables or deadlines for actions to be
25 taken and specific governmental approvals that are required to be
26 obtained, the reason the owner seeks to terminate the subsidy
27 contract or prepay the mortgage, and any contacts the owner has
28 made or is making with other governmental agencies or other
29 interested parties in connection with the notice. The owner shall
30 also attach a copy of any federally required notice of the
31 termination of the subsidy contract or prepayment that was
32 provided at least six months prior to the proposed change. The
33 information contained in the notice shall be based on data that is
34 reasonably available from existing written tenant and project
35 records.

36 (d) The owner proposing the termination or prepayment of
37 governmental assistance or the owner of an assisted housing
38 development in which there will be the expiration of rental
39 restrictions shall provide additional notice of any significant
40 changes to the notice required by subdivision (c) within seven

1 business days to each affected tenant household residing in the
2 assisted housing development at the time the notice is provided
3 and to the affected public entities. “Significant changes” shall
4 include, but not be limited to, any changes to the date of
5 termination or prepayment, or expiration of rental restrictions or
6 the anticipated new rent.

7 (e) An owner who is subject to the requirements of this section
8 shall also provide a copy of any notices issued to existing tenants
9 pursuant to subdivision (b), (c), or (d) to any prospective tenant at
10 the time he or she is interviewed for eligibility.

11 (f) This section shall not require the owner to obtain or acquire
12 additional information that is not contained in the existing tenant
13 and project records, or to update any information in his or her
14 records. The owner shall not be held liable for any inaccuracies
15 contained in these records or from other sources, nor shall the
16 owner be liable to any party for providing this information.

17 (g) For purposes of this section, service of the notice to the
18 affected tenants, the city, county, or city and county, the appropriate
19 local public housing authority, if any, and the Department of
20 Housing and Community Development by the owner pursuant to
21 subdivisions (b) to (e), inclusive, shall be made by first-class mail
22 postage prepaid.

23 (h) Nothing in this section shall enlarge or diminish the
24 authority, if any, that a city, county, city and county, affected
25 tenant, or owner may have, independent of this section.

26 (i) If, prior to January 1, 2001, the owner has already accepted
27 a bona fide offer from a qualified entity, as defined in subdivision
28 (c) of Section 65863.11, and has complied with this section as it
29 existed prior to January 1, 2001, at the time the owner decides to
30 sell or otherwise dispose of the development, the owner shall be
31 deemed in compliance with this section.

32 (j) Injunctive relief shall be available to any party identified in
33 paragraph (1) or (2) of subdivision (a) who is aggrieved by a
34 violation of this section.

35 (k) The Director of Housing and Community Development shall
36 approve forms to be used by owners to comply with subdivisions
37 (b) and (c). Once the director has approved the forms, an owner
38 shall use the approved forms to comply with subdivisions (b) and
39 (c).

(l) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 2011, deletes or extends that date.

SEC. 3. Section 34315.7 of the Health and Safety Code is amended to read:

34315.7. (a) Real property owned by an authority ~~which that~~ the authority determines is not required for its foreseeable needs and ~~which that~~ is not transferred pursuant to Section 34315.5; shall be disposed of for the following purposes, in descending order of priority:

(a)

(1) For the purposes, and in accordance with the provisions, of Article 10 (commencing with Section 50568) of Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code.

(b)

(2) To public, nonprofit, or private developers for development of housing for persons and families of low and moderate income, as defined by Section 50093. ~~Such~~ These transfers may not be made at a cost below the housing authority's acquisition cost but may be made at a cost below market value if ~~(1)~~ (A) not less than 30 percent of the housing units to be developed will be enforceably restricted for occupancy by persons and families of low and moderate income, with at least 50 percent of the housing units restricted to persons and families of low income, and ~~(2)~~ (B) a transfer at below market value is necessary to assure that the housing units restricted for occupancy by persons and families of low or moderate income will be provided at affordable housing cost, as defined by Section 50052.5.

(c)

(3) To private developers, generally, at market value for development of housing.

(d)

(4) For any purpose, where the sale is at public auction to the highest bidder.

~~The~~

(b) The Department of Housing and Community Development shall adopt regulations governing disposal of surplus real property of housing authorities pursuant to ~~subdivisions (b) and (c)~~ paragraphs (2) and (3) of subdivision (a). The regulations shall

1 include requirements for providing public notice of a housing
2 authority's intent to dispose of real property in accordance with
3 this section and shall also specify other reasonable requirements
4 to implement the priorities established by this section.

5 The

6 (c) *The deed or other instrument of conveyance shall recite that*
7 *the authority has determined the property is not required for its*
8 *foreseeable needs and it is being disposed of pursuant to this*
9 *section and, if the property is disposed of pursuant to subdivision*
10 *(b) or (c) paragraphs (2) and (3) of subdivision (a), in accordance*
11 *with regulations adopted by the Department of Housing and*
12 *Community Development. Such This recital shall be conclusive*
13 *in favor of purchasers and encumbrancers for value.*

14 ~~Failure to comply with the provisions of this section shall not~~
15 ~~invalidate any right, title or interest acquired by a purchaser or~~
16 ~~encumbrancer for value.~~

17 (d) *The authority shall not dispose of housing units affordable*
18 *to low- and moderate-income households, as defined by Section*
19 *50093, unless each of the following conditions is met:*

20 (1) *The authority determines, based on substantial evidence,*
21 *that the project is no longer meeting a need for rental housing for*
22 *lower income families in the area.*

23 (2) *The authority has done all of the following:*

24 (A) *Notified the tenants of the authority's request for disposition.*

25 (B) *Provided the tenants with an opportunity to comment on*
26 *the authority's request for disposition at three public hearings,*
27 *not less than one year prior to taking any action, including, but*
28 *not limited to, entering into any contract, memorandum of*
29 *understanding, or development agreement, to dispose of the*
30 *property.*

31 (C) *Has taken into consideration the comments received under*
32 *subparagraph (B) when determining whether the property is*
33 *meeting a need for rental housing.*

34 (3) *The authority shall adopt a plan, not less than 180 days*
35 *prior to taking any action to dispose of the property, to provide*
36 *relocation assistance for adequate, comparable housing for any*
37 *lower income tenant who will be displaced as a result of the*
38 *disposition.*

39 (e) *In the case of real property eligible for disposition pursuant*
40 *to subdivision (d), where housing units will be destroyed, the*

1 authority shall require that each unit destroyed shall be replaced
2 with a unit affordable to households at the same income levels as
3 existed prior to disposition, and with the same occupancy
4 restrictions and number of bedrooms as existed prior to disposition.

5 (f) For the purposes of subdivision (d), disposition shall include
6 the authority's decision not to extend or renew its participation
7 in a federal housing subsidy program providing assistance to those
8 units, including a change in the form of the subsidy from
9 project-based to tenant-based.

10 (g) Failure to comply with this section shall not invalidate any
11 right, title, or interest acquired by a purchaser or encumbrancer
12 for value.

13 ~~SECTION 1. Section 3011 of the Elections Code is amended~~
14 ~~to read:~~

15 ~~3011. (a) The identification envelope shall contain all of the~~
16 ~~following:~~

17 ~~(1) A declaration, under penalty of perjury, stating that the voter~~
18 ~~resides within the precinct in which he or she is voting and is the~~
19 ~~person whose name appears on the envelope.~~

20 ~~(2) The signature of the voter.~~

21 ~~(3) The residence address of the voter as shown on the affidavit~~
22 ~~of registration.~~

23 ~~(4) The date of signing.~~

24 ~~(5) A notice that the identification envelope contains an official~~
25 ~~ballot and is to be opened only by the canvassing board.~~

26 ~~(6) A warning plainly stamped or printed on the identification~~
27 ~~envelope that voting twice constitutes a crime.~~

28 ~~(7) A warning plainly stamped or printed on the identification~~
29 ~~envelope that the voter must sign the envelope in his or her own~~
30 ~~handwriting in order for the ballot to be counted.~~

31 ~~(8) A statement that the voter has neither applied, nor intends~~
32 ~~to apply, for a vote by mail ballot from any other jurisdiction for~~
33 ~~the same election.~~

34 ~~(9) The name of the person authorized by the voter to return the~~
35 ~~vote by mail ballot pursuant to Section 3017.~~

36 ~~(10) The relationship to the voter of the person authorized to~~
37 ~~return the vote by mail ballot.~~

38 ~~(11) The signature of the person authorized to return the vote~~
39 ~~by mail ballot.~~

1 ~~(b) Except at a primary election for partisan office, and~~
2 ~~notwithstanding any other provision of law, the party affiliation~~
3 ~~of the vote by mail voter shall not be stamped or printed on the~~
4 ~~identification envelope.~~

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